

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

SUITS – Arbitration - Settlement of Arbitration award in respect of the work relating to "Construction of Left Side Head Sluice in Gap No.IV of Y.R. Project at Yeleswaram (V), Prathipadu Taluk, East Godavari District, under Agreement No.1/81-82, dated 13-04-1981 with Sri R. Dwarakanath Reddy for an amount of Rs.5,76,495/- as full and final settlement - Sanction - Orders – Issued.

IRRIGATION & C.A.D. (ARB.) DEPARTMENT.

G.O.Ms.No. 254

Dated the 11th September, 2009.

Read the following:-

1. From Sri R.Dwarakanath Reddy, contractor, representation, dated 28-01-2008.
2. Govt.Memo.No.2807/ARB/08, I & CAD (ARB.) Dept., dated 27-03-2008.
3. From the ENC (Irrgn.), I & CAD Dept., Hyd., Lr.No.ENC(Irr)/DCE(GDS)/OT2/AEE/F2/5964-A/1987, dated 04-07-2008.

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O R D E R:

The work relating to construction of left side sluice in Gap No. 4 of Y.R. Project at Yeleswaram (V) Prathipadu Taluk, East Godavari District was awarded to Sri R.Dwarakanath Reddy under Agreement No.1/80-81, dated 13-04-1981. During the execution of the work certain disputes have arisen between the contractor and the Department. The disputes were referred to the Sole Arbitrator and the Arbitrator passed the award on 30-09-1988. The Government filed OS.No.2217/1988 to set aside the award and the contractor has also filed O.P. No.31/94 to make the award rule of court on the file of 2nd Senior Civil Judge Court, Hyderabad. The Hon'ble 2nd Senior Civil Judge made the award rule of court and passed a decree in O.P.No.31/94 and dismissed O.S. No.2217/1988 filed by the Dept. Aggrieved by the said Judgment and decree, Government filed C.M.A.No.1274/2000 (against O.S. No.2217/88) and CRP No.1479/2000 (Against O.P.No.31/94) respectively. While the matter is pending in the High Court, the Hon'ble High Court in its order dated 09-10-2007 directed both the parties to mutually settle the dispute. Sri R. Dwarakanath Reddy, has therefore, requested the Government to convene a meeting for settlement of the claims.

2. In compliance of the common directions of the Hon'ble High Court dated 09-10-2007 and as per the representation of Sri R. Dwarakanath Reddy, the case has been referred to the Conciliation Committee for Andhra Region vide Govt.Memo. dated 27-03-2008 for amicable settlement with the contractor.

3. The Engineer-in Chief (Irrgn.), I & CAD Department, Hyderabad, in the reference third read above, furnished the report of the Conciliation Committee for Andhra Region, along with the notarized affidavit furnished by the contractor. The Conciliation Committee for Andhra Region, after negotiation with the contractor has recommended for total payment of Rs.5,76,495/- to be made to the Agency in final settlement of the claims. In his notarized affidavit dated 28-06-2008, Sri R.Dwarakanath Reddy, contractor, has declared that he withdraw all his legal proceedings in respect of the subject work against the Government of Andhra Pradesh or its representative officer, if the amount including interest amounting to Rs.5,76,495/- is paid to him in token settlement of the Arbitration claim pending in the courts.

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4. In compliance of the directions of the Hon'ble High Court and as per the representation submitted by the contractor and also based on the report of the Conciliation Committee for Andhra Region, the Principal Secretary to Govt., I & CAD Department has conducted final conciliation with the contractor on 13-10-2008 and confirmed the amount recommended by the Committee (i.e., Rs.5,76,495/-) as full and final settlement of the Arbitration Award.

5. After careful examination, Government hereby accord sanction for an amount of Rs.5,76,495/- (Rupees five lakhs seventy six thousand four hundred and ninety five only) payable to Sri R. Dwarakanath Reddy, Contractor, towards full and final settlement of the Arbitration Award dated 30-09-1988 in respect of the work relating to "construction of left side Road sluice in Gap No.4 of Y.R. Projects at Yeleswaram (V), Prathipadu Taluk, East Godavari District, under Agr.No.1/81-82, dated 13-04-1981.

6. The above sanctioned amount shall be debitable to the following Head of Account:

**"4701 - COL on M & M.I (01) Major Irrigation (Commercial)
- MH 116 YRS - SH (26) - D&A Works - 530 Major Works -
531 Other Expenditure".**

7. The Engineer-in-Chief, (Irrigation), G.D.S.Unit., I & CAD Department, Hyderabad is directed to arrange to pay the amount sanctioned at para (5) above to Sri R. Dwarakanath Reddy, Contractor, duly deducting the amounts that are recoverable whatsoever account from the contractor.

8. This order issues with the concurrence of Finance (W&P) Department, vide their U.O.No.3463/F7(A1)/09-1, dated 02-09-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Engineer-in-Chief, (Irrigation), G.D.S. Unit, I & CAD Dept.,
Jalasoudha Building, Errum Manzil, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Director of Works Accounts, A.P., Hyderabad.

Sri R.Dwarakanath Reddy, D.No.8-2-544/3, Road No.7, Banjara Hills,
Hyderabad.

Copy to:

I & CAD (P&B) Department.

Finance (W&P) Department. (with a request to release
the LOC for the sanctioned amount).

The Accountant-General, Andhra Pradesh, Hyderabad.

The Learned Advocate-General, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.

The Government Pleader for Irrigation, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.

S.F. / S.Cs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.